REMARKS

This Amendment is in response to the Office Action mailed on January 10, 2006, in which claims 1-29 were pending and claims 1-29 were rejected. Claims 12-29 have been canceled without prejudice. However, Applicant traverses the rejection of claims 1-11, as discussed in detail below, and respectfully requests that claims 1-11 be reconsidered and allowed.

Response to Claim Rejections Under 35 U.S.C. § 102

Claims 1, 4-7, and 9-11 were rejected under 35 U.S.C § 102(b) as being anticipated by Priestman et al., U.S. Patent No. 2,548,616. However, Priestman et al. does not disclose each and every element of these claims, and, as discussed in more detail below, Applicant respectfully requests reconsideration and allowance of claims 1, 4-7, and 9-11.

Claim 1

With respect to claim 1, Priestman et al. does not disclose that "said connection of successive tube parts end-to-end into said tube is completed before said tube is brought in communication with the borehole". In the section "Response to Arguments", the Examiner states that Priestman et al. discloses short portable pipe lengths (which can be considered tube parts) connected end-to-end to construct a single long pipe length 12 (which can be considered the tube) and that after the tube is composed it is fed into the pipe bending unit and pipe straightening unit and fed into the well (citing Priestman et al., col. 4, lines 20-29).

However, claim 1 of the application does not require that connection of successive tube parts end-to-end is completed before the tube is fed into the well. Instead, claim 1 requires that connection of successive tube parts end-to-end is completed before the tube is "brought in communication" with the well. The pipe length 12 of Priestman et al. can be in communication with the well before being fed into the well, such as, for example, the pipe length 12 might be in communication with the well via another length of pipe.

Furthermore, Priestman et al. states: "In the modification shown in Fig. 2 pipe 12 is constructed of a single straight long pipe length assembled as such generally horizontally on the ground neighboring the well as by welding short lengths of suitable portable pipe lengths.

One end of the straight pipe length is then coupled at 40 to the pressure side of the pump 34 from whence it is fed into pipe bending unit 28 and thence through pipe straightener 15 passing down into the well." (Priestman et al., col. 4, lines 20-29). There is no indication in the quoted text, nor elsewhere in Priestman et al., that the connection of successive tube parts end-to-end is completed before the tube is brought into communication with the well, as required by claim 1.

Therefore, because Priestman et al. does not disclose, either explicitly or implicitly, the feature "characterized in that the connection of successive tube parts end-to-end is completed before the tube is brought into communication with the borehole", claim 1 is novel over Priestman et al. and reconsideration and allowance of claim 1 is respectfully requested.

Claims 4-7

Claims 4-7 depend on claim 1. Since claim 1 is novel over Priestman et al., claims 4-7 are also novel over Priestman et al. Because Priestman et al. does not disclose each and every element of claims 4-7, claims 4–7 are novel over Priestman et al. and reconsideration and allowance of claims 4-7 is respectfully requested.

Furthermore, claim 6 is additionally novel over Priestman et al. because Priestman et al. does not disclose that the tube is plastically bent. Claim 6 includes the method of claim 1 wherein the tube "is plastically bent to a curved shape". A tube can be bent either plastically or elastically, and Priestman et al. does not specify whether plastic or elastic bending occurs. Because Priestman et al. does not disclose plastic bending of a tube, claim 6 is novel over Priestman et al. and reconsideration and allowance of claim 6 is respectfully requested.

Moreover, claim 7 is additionally novel over Priestman et al. because Priestman et al. does not disclose that the tube is plastically straightened. Claim 7 includes the method of claim 1 wherein "plastically bent portions of said tube . . . are plastically straightened where it leaves said curved porion of said path." A tube can be straightened either plastically or elastically, and Priestman et al. does not specify whether plastic or elastic bending occurs. Because Priestman et al. does not disclose plastic bending of a tube, claim 7 is novel over Priestman et al. and reconsideration and allowance of claim 7 is respectfully requested.

Claim 9

The Examiner states in section 1 of the Office Action that the Fig. 1 embodiment of Priestman et al. discloses all of the features of claim 9. In regard to the feature "said connecting area being horizontally spaced away from the borehole" of claim 9, the Examiner states in the "Response to Arguments" section that the feature is disclosed in col. 4, lines 20-24 of Priestman et al. However, col. 4, lines 20-24 of Priestman et al. relates to the embodiment shown in Fig. 2, not the embodiment shown in Fig. 1. Thus, the Examiner has combined the embodiments of Fig. 1 and Fig. 2 of Priestman et al. to assert the lack of novelty of claim 9.

The embodiments of Fig. 1 and Fig. 2 of Priestman et al. are distinct embodiments, and Priestman et al. does not disclose a combination of these two embodiments. It is therefore inappropriate to raise a novelty objection based on an undisclosed combination of the two embodiments.

Claims 10 and 11

Claims 10 and 11 are dependent on claim 9. Since claim 9 is novel over Priestman et al., claims 10 and 11 are also novel over Priestman et al. and reconsideration and allowance of claims 10 and 11 is respectfully requested.

Furthermore, claim 10 is additionally novel over Priestman et al. because Priestman et al. does not disclose that the tube is plastically bent, nor that the tube is plasticlly straightened. Claim 10 includes the method of claim 9 wherein the "tube . . . is plastically bent into a curved shape" and the plastically bent tubes "are plastically straightened where it leaves said said curved portion of said path". As noted previously, bending and straightening of the tube can be either plastic or elastic, and Priestman et al. does not specify whether plastic or elastic bending and straightening occurs. Because Priestman et al. does not disclose plastic bending and straightening of a tube, claim 10 is novel over Priestman et al. and reconsideration and allowance of claim 10 is respectfully requested.

Response to Claim Rejections Under 35 U.S.C. § 103

Claims 2, 3 and 8 were rejected under 35 U.S.C § 103 as being obvious in light of Priestman et al. and other references. However, the combination of Priestman et al. and the other references does not disclose each and every element of these claims, and, as discussed in more detail below, Applicant respectfully requests reconsideration and allowance of claims 2, 3 and 8.

Claims 2 and 3

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as unpatentable over Priestman et al. and Tesson, U.S. Patent No. 3,372,461. However, claims 2 and 3 both depend on claim 1. As explained above with respect to claim 1, Priestman et al. does not disclose that "said connection of successive tube parts end-to-end into said tube is completed before said tube is brought in communication with the borehole" as claimed in claim 1. Therefore, even if a person skilled in the art would combine the teachings of Priestman et al. with the teaching of Tesson, such a person would not arrive at the method of claim 2 or claim 3. Claims 2 and 3 are therefore not obvious and reconsideration and allowance of claims 2 and 3 is respectfully requested.

Claim 8

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Priestman et al. because it would be obvious to modify Sizer, U.S. Patent No. 3,677,345, to have the maximum total deformation during the bending into a curved shape to be less than 2%. However, claim 8 depends on claim 6, which depends on claim 1. Therefore, claim 8 includes all of the elements of claim 1. However, as explained above with respect to claim 1, Priestman et al. does not disclose "that said connection of successive tube parts end-to-end is completed before the tube is brought in communication with the borehole". Therefore, claim 8 is not obvious and reconsideration and allowance of claim 8 is respectfully requested.

Furthermore, claim 8 is also nonobvious because neither Priestman nor Sizer disclose plastic bending of the tube. Claim 8 is dependent on claim 6, so claim 8 includes the language from claim 6 "wherein said tube or said composed section thereof is plastically bent to

a curved shape where it enters a curved portion of the path". As discussed with respect to claim 6, Priestman et al. does not disclose plastic bending of the tube. Thus, even if a person skilled in the art modified Priestman et al. to have the maximum total deformation during bending in a curved shape to be less than 2%, the method of claim 8 is not achieved. Because claim 8 is nonobvious for this additional reason, reconsideration and allowance of claim 8 is respectfully requested.

Conclusion

Applicant believes that this Response places the application containing claims 1-11 in condition for allowance. Reconsideration and notice to that effect are respectfully requested. The Examiner is invited to contact the undersigned attorney at the number listed below if such a call would in any way facilitate allowance of the application.

Respectfully submitted,

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